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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92051685
Party	Plaintiff Effigi Inc.
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

IN THE MATTER OF TRADEMARK REGISTRATION No. 2,948,299
TRADEMARK: DEFROST
REGISTERED: May 10, 2005

EFFIGI INC.	:	
	:	
Petitioner,	:	
	:	Cancellation No.
v.	:	92/051,685
	:	
DENNIS G. BRIGGS	:	
	:	
Registrant.	:	

**MOTION FOR DEFAULT JUDGMENT
ON PETITION TO CANCEL**

Petitioner, EFFIGI INC., (“Petitioner”) hereby moves for default judgment in this Cancellation Proceeding. Registrant Dennis G. Briggs’ (“Registrant”) failure to file an answer or any other responsive pleading by June 25, 2010, constitutes the basis for a finding that the Registrant has defaulted in this action and the Board should sustain this cancellation.

Facts

Petitioner filed this Petition to Cancel on November 3, 2009. The Trademark Trial and Appeal Board (“Board”) issued an initial Scheduling Order setting December 13, 2009 as the deadline for Registrant to respond to the Petition to Cancel. On December 14, 2009, one day after the deadline for response, Registrant submitted a letter to the Board asking that the Board grant a 90 day extension to the deadline so that Registrant would be

able to “acquire proper legal assistance in defending this matter”. This letter was not served upon counsel for Petitioner.

The Board ruled on Registrant’s motion to extend time to file its answer to the Petition to Cancel on February 24, 2010. The Board’s action, combined with the interval between Registrant’s filing and the Order granting the extension thus allotted Registrant a total extension of more than six months from its original deadline to answer. As opposed to the customary 40 days that a registrant has to answer a Petition to Cancel, Registrant was ultimately afforded a total time of 234 days to respond.

Despite the generous extension granted by the Board, the June 25, 2010 deadline has since passed and Registrant has taken no action. While Petitioner did not oppose the initial extension request in the interest of fairness, nearly 8 months have elapsed since the Petition to Cancel was filed. Registrant has clearly had sufficient time to acquire proper legal assistance and prepare an adequate response. In the meantime, Petitioner continues to suffer harm as the subject registration has been cited as an obstacle to Petitioner’s attempt to register its DEFROST mark by the Trademark Office. Petitioner therefore requests that the Board act swiftly and issue an Order of Judgment by Default in favor of Petitioner in this matter. Due to the extraordinary amount of time already granted to Registrant to respond, no further extensions should be entertained.

REQUEST

Petitioner therefore requests that the Board enter judgment in favor of Petitioner, cancel U.S. Registration No. 2,948,299, and otherwise sustain the Petition to Cancel.

Respectfully submitted,

EFFIGI INC.

July 6, 2010

/s/ Andy I. Corea

Gene S. Winter

Andy I. Corea

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Certificate of Electronic Filing: I hereby certify that this document is being filed today via the online TTAB Filing system (ESTTA) accessed through the United States Patent & Trademark Office website (www.uspto.gov).

July 6, 2010



Joan M. Burnett

CERTIFICATE OF SERVICE

This is to certify that on this date, a true copy of the foregoing **MOTION FOR DEFAULT JUDGMENT ON PETITION TO CANCEL** is being served, by first class mail, postage prepaid, on Registrant as follows:

Dennis G. Briggs
3730 Loyola Ct.
Chino, CA 91710

July 6, 2010
Date:

Joan M. Burnett